

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
OCTOBER 20, 2004**

The regular meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, October 20, 2004, in the Council Chambers of City Hall located at 610 Main Street.

Call to Order.

Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Councilmembers	
John Schroeder	Present
Bradley Seger	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Renee Kabrick	Present
Randall Buchta	Present
Raymond Howard	Absent
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the members of the legislative body must be in attendance. Six of the seven members were in attendance, which constitutes a majority; therefore, there was a quorum for the meeting.

Approval of the Minutes

The following minutes were distributed to and examined by the Council:

1. September 22, 2004 regular monthly common council meeting.
2. September 22, 2004 6:20 p.m. public hearing concerning the petition of John Hart, Sr. and Mary Jo Hart to vacate a portion of an east/west alley located west of North Carroll Street toward Edward Street.
3. September 22, 2004 6:30 p.m. public hearing concerning the petition of John Hart, Sr. and Mary Jo Hart to vacate a portion of a north/south alley located west of North Carroll Street and east of Edward Street.
4. September 22, 2004 6:40 p.m. public hearing concerning the proposed annexation of 155 acres for an annexation area known as Brookstone.
5. September 20, 2004 11:55 a.m. public hearing concerning the petition of Haddad Properties Limited Partnership to rezone 10 acres in Columbus Container Industrial Park from I-1 Light Industrial to I-B Industrial/Business.
6. September 20, 2004 special meeting to adopt the 2005 budget.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Randall Buchta to approve all six sets of minutes. Motion carried 6-0.

Utility Service Board. Utility Service Board Chairman Ken Sendelweck presented a report of the regular monthly meeting held on October 18, 2004. Copies of the minutes were supplied to each council member.

Non-smoking environment issues. Councilmember Renee Kabrick reported that the group interested in presenting some non-smoking environment issues would come to a meeting sometime in the new year.

2005 Holiday Schedule. Mayor Schmitt presented a proposed holiday schedule for the year 2005. The schedule grants holiday time off from work for all eligible City of Jasper employees.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Thomas Schmidt to approve the 2005 Holiday Schedule as presented. Motion passed 6-0.

Ordinance No. 2004-39 “AN ORDINANCE ESTABLISHING SALARIES FOR THE ELECTED OFFICIALS FOR THE CITY OF JASPER, INDIANA, FOR THE YEAR 2005”

Ordinance No. 2004-39 establishes salaries for the elected officials for the year 2005.

The Ordinance was read on first reading at the September 8, 2004 meeting. A notice regarding the ordinance was published in the Herald on September 13 and September 20, 2004.

The ordinance was ordered read on second reading by title only upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt, and approved 6-0. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta, the ordinance was approved 6-0 on the second reading.

Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember John Schroeder, and carried 6-0, it was moved to have the ordinance read on 3rd and final reading by title only. The ordinance was so read. Thereafter, on motion made by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt, Ordinance No. 2004-39 was approved 6-0 on the third and final reading.

Ordinance No. 2004-44 “AN ORDINANCE CONCERNING CONSTRUCTION SITE STORM WATER RUNOFF CONTROL”

Ordinance No. 2004-44 regulates storm water leaving construction sites.

The Ordinance was introduced on September 22, 2004.

The ordinance was ordered read on second reading by title only upon motion by Councilmember Renee Kabrick, seconded by Councilmember Ambrose Schitter,

and approved 6-0. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Randall Buchta, the ordinance was approved 6-0 on the second reading. During discussion, City Attorney Sandy Hemmerlein reported that a public hearing was held earlier this evening and the ordinance regulates storm water from construction sites and is a requirement for MS4.

Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember Renee Kabrick, and carried 6-0, it was moved to have the ordinance read on 3rd and final reading by title only. The ordinance was so read. Thereafter, on motion made by Councilmember Thomas Schmidt, seconded by Councilmember Renee Kabrick, Ordinance No. 2004-44 was approved 6-0 on the third and final reading.

Rezoning Proposal/Ordinance No. 2004-45. Mayor Schmitt sought consideration of Kenneth Blessinger, Rose Blessinger and Alma Kreilein's proposal to rezone property located at 198 Third Avenue from Flood Plain (FP) to (B-3) Business.

Thereafter, a **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Bradley Seger to accept the proposal to rezone property located at 198 Third Avenue from FP Flood Plain to B-3 Business and adopt the rezoning ordinance for such property. Motion carried 6-0.

Mayor Schmitt stated that the ordinance would be referenced Ordinance No. 2004-45.

Ordinance No. 2004-46 "AN ORDINANCE REGULATING THE USE OF BEAVER DAM LAKE AND CERTAIN BORDERING PROPERTY"

Ordinance No. 2004-46 updates the regulations for the use of Beaver Dam Lake and lots.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta and approved 6-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick seconded by Councilmember Thomas Schmidt and approved 6-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Bradley Seger and seconded by Councilmember Thomas Schmidt it was moved to pass and adopt Ordinance No. 2004-46. The measure passed 6-0.

During discussion, City Attorney Hemmerlein reported that the last time the ordinance was updated was about 20 years ago. Hemmerlein then explained the changes. There was some discussion about the section that addresses swimming and whether swimming is prohibited or not and the city's policy regarding this matter. The ordinance changes were recommended by the Jasper City Park and Recreation Board.

Ordinance No. 2004-47 “AN ORDINANCE AMENDING ORDINANCE NO. 2002-54, ENTITLED ‘AN ORDINANCE ESTABLISHING FEES FOR ACTIVITIES OF THE JASPER DEPARTMENT OF PARKS AND RECREATION’ ”.

Ordinance No. 2004-47 increases Beaver Dam Lake lot rental fees and boat registration fees.

Upon motion by Councilmember Renee Kabrick, seconded by Councilmember Ambrose Schitter and approved 6-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Bradley Seger, seconded by Councilmember Thomas Schmidt and approved 6-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter and seconded by Councilmember Randall Buchta it was moved to pass and adopt Ordinance No. 2004-47. The measure passed 6-0.

During discussion, City Attorney Hemmerlein reported the fee increases would take effect January 1, 2005. The ordinance changes were recommended by the Jasper City Park and Recreation Board.

Ordinance No. 2004-48 AN ORDINANCE AMENDING ORDINANCE NO. 1998-39, ENTITLED VOLUNTEER FIRE DEPARTMENT PENSION FUND, DISABILITY PENSION FUND, AND DEATH BENEFITS AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH.

Ordinance No. 2004-48 amends the volunteer fire pension ordinance to increase monthly distributions for 2005 and define surviving spouse.

Upon motion by Councilmember Randall Buchta, seconded by Councilmember Thomas Schmidt and approved 6-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick, seconded by Councilmember Ambrose Schitter and approved 6-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt and seconded by Councilmember Ambrose Schitter it was moved to pass and adopt Ordinance No. 2004-48. The measure passed 6-0.

During discussion, City Attorney Hemmerlein reported that the recommendation came from the Volunteer Fire Pension Board.

Ordinance No. 2004-49 AN ORDINANCE AMENDING SECTION 8 OF ORDINANCE NO. 546, ENTITLED AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER, INDIANA – TRUCK ROUTES AND LOAD LIMITS.

Ordinance No. 2004-49 prohibits certain truck traffic on Meridian Road from 3rd Avenue to State Road 164.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt and approved 6-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick, seconded by Councilmember John Schroeder and approved 6-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt and seconded by Councilmember Ambrose Schitter it was moved to pass and adopt Ordinance No. 2004-49. The measure passed 6-0.

During discussion, City Attorney Hemmerlein reported that the recommendation came from the Board of Public Works and Safety and was the result of a study conducted by the street department, police department and engineering department.

Ordinance No. 2004-50 AN ORDINANCE AMENDING SECTION 6 (1) OF ORDINANCE NO. 546, ENTITLED AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER, INDIANA – STOP INTERSECTIONS DESIGNATED.

Ordinance No. 2004-50 changes certain stop intersections due to the relocation of Meridian Road.

Upon motion by Councilmember Randall Buchta, seconded by Councilmember Thomas Schmidt and approved 6-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Ambrose Schitter, seconded by Councilmember Renee Kabrick and approved 6-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember John Schroeder and seconded by Councilmember Ambrose Schitter it was moved to pass and adopt Ordinance No. 2004-50. The measure passed 6-0.

During discussion, City Engineer Chad Hurm displayed a map that indicated the stop intersections. The recommendation came from the Board of Public Works and Safety and was the result of a study conducted by the street department, police department and engineering department.

Ordinance No. 2004-51 AN ORDINANCE AMENDING SECTION 4 (2) OF ORDINANCE NO. 546, ENTITLED AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER, INDIANA – PARKING PROHIBITED ON CERTAIN DESIGNATED STREETS.

Ordinance No. 2004-51 prohibits parking along Meridian Road from 3rd Avenue to State Road 164 and along a portion of Dorbett Street, north of 6th Street.

Upon motion by Councilmember Renee Kabrick, seconded by Councilmember Ambrose Schitter and approved 6-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Thomas Schmidt,

seconded by Councilmember Bradley Seger and approved 6-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Renee Kabrick and seconded by Councilmember Thomas Schmidt it was moved to pass and adopt Ordinance No. 2004-51. The measure passed 6-0.

During discussion, City Engineer Chad Hurm and Street Commissioner Raymie Eckerle displayed a map of the top of the “Y” in the 6th Street and Dorbett Street area and explained the need for prohibiting parking along Dorbett Street. The recommendation came from the Board of Public Works and Safety and was the result of a study conducted by the street department, police department and engineering department.

Adjournment

There being no further business to come before the board, a **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Ambrose Schitter to adjourn the meeting. The motion carried 6-0 and the meeting adjourned at 7:51 p.m.

**William J. Schmitt, Mayor
Presiding Officer**

ATTEST:

Juanita S. Boehm, Clerk-Treasurer

Cynthia Kluemper, Recording Secretary